



OFFICE OF THE
ORANGE COUNTY DISTRICT ATTORNEY

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DAVID M. HOOVLER
District Attorney

MEMO ENDOTIS

February 7, 2023

Hon. Kenneth M. Karas
United States District Court
300 Quarropas Street
White Plains, New York 10601

Re: Raiquan Falls v Pitt et al.
16-cv-08863 (KMK)

Your Honor,

The Orange County District Attorney's Office is in receipt of the attached subpoena duces tecum, and request that the Court treat this letter as a motion to quash.

As an initial matter, the subpoena was improperly served on the Orange County Attorney's Office and not on the District Attorney's Office. Second, even assuming that the County Attorney's Office could properly accept service of the subpoena, after the District Attorney's Office requested personal service, the subpoena was served on February 3, 2023 or three days after the January 31, 2023 return date.

Finally, the subpoena is made returnable to an e-mail address in apparent contravention of Fed. R. CIV. P. 45(a)(1)(A)(iii), which requires that a subpoena be made returnable to a specified place (see e.g. CSS, Inc. v Herrington, 354 F Supp 3d 702, 709-710 [ND Tex 2017]) ("the place named in the subpoena as required by Rule 45(a)(1)(A)(iii) is the place 'where compliance is required'").

For these reasons, the District Attorney's Office requests that the motion to quash be granted.

The motion is denied as moot, as Plaintiff has withdrawn the subpoena. The Clerk is respectfully requested to terminate the motion.

So Ordered.

2/16/23

cc: Edward E Keenan, Esq.

Very truly yours,

DAVID M. HOOVLER
DISTRICT ATTORNEY

ANDREW R. KASS
Executive Assistant District Attorney